

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Electro Machine And
Engineering, Inc.
431 East Oaks Street
Compton, California 90221

CAD 045521184

Respondent.

Docket HWCA 2003-0174
CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control
(Department) and Electro Machine and Engineering,
Inc.(Respondent) enter into this Consent Order and agree as
follows:

1. Respondent generates, handles, treats, and stores
hazardous waste at 431 East Oaks Street, Compton, California
90221 (Site).
2. The Department inspected the Site on August 2 and
5, 2002.
3. The Department alleges the following violations:
 - 3.1 Respondent violated Health and Safety Code section

August 5, 2002 Respondent stored waste filter cake containing chromium, a hazardous waste, without a permit or other grant of authorization from the Department.

3.3 Respondent violated California Code of Regulations title 22, section 66262.34, subsection (a)(1)(A) and section 66265.171 by failing to transfer hazardous waste from a leaking container to a container that is in good condition.

3.4 Respondent violated California Code of Regulations, title 22, section 67450.3, subsection(c)(9)(B) and section 66265.31 in that Respondent failed to maintain and operate its facility in a manner to minimize the possibility of any unplanned release of hazardous waste to soil.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning

10. Respondent shall comply with the following:

10.1. Respondent has corrected the violations cited above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent to:

Robert Kou, Unit Chief
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the

property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.6. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.7. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

11.1, Respondent shall pay the Department a total of \$23 ,000 in penalties, structured in the following manner: Within 30 days of the effective date of this Consent Order, Respondent shall submit a payment of \$1,000.00. Thereafter, Respondent shall submit \$1,000.00 a month for a total of twenty-three months, and shall pay an additional \$1,000.00 as interest

Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Robert Kou, Unit Chief
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

Ramon B. Perez
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

11.2 Respondent hereby agrees to send an employee to the specified California Compliance School (Modules I - IV). Attendance must be completed and the Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 185 days of the date of this Consent Order. In recognition of this educational investment, the penalty imposed by this Consent Order has been reduced by \$5,000 provided that the employee satisfactorily completes the specified modules and the Department receives the

extended by a Department Branch Chief upon a written request demonstrating good cause from the Respondent.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of

Dated: 7/15/2004

ORIGINAL SIGNED BY RANDY TURNBOW

Signature of Respondent's
Representative

ORIGINAL SIGNED BY RANDY TURNBOW - CEO

Typed or Print Name and Title of
Respondent's Representative

Dated: 08/02/2004

ORIGINAL SIGNED BY ROBERT KOU

Robert Kou, Unit Chief
Department of
Toxic Substances Control